

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ORDER TO MODIFY THE DOCKET AND
DENYING MOTION FOR COUNSEL

On January 18, 2018, the Clerk received and docketed a “Motion for Counsel Representation / Jury Demand” from the *pro se* Plaintiff, Terry Wayne Kelly. (ECF No. 33.)¹ However, the motion is not well taken.

Kelly filed this action on January 6, 2015. (ECF No. 1.) On September 28, 2015, the Court issued an order dismissing both the original complaint and the first amended complaint for failure to state a claim but permitting Kelly to file a further amendment. (ECF No. 21.) After Kelly filed his second amended complaint, the Court issued an order on April 13, 2016, again dismissing for failure to state a claim. (ECF No. 25.) Judgment was entered on April 15, 2016. (ECF No. 26.) Kelly then filed a notice of appeal. (ECF No. 27.) The Sixth

¹ The address listed on Plaintiff's motion to appoint counsel is no longer the Gibson County Correctional Center. The Clerk is directed to MODIFY the docket to update Plaintiff's address and to send this order to him at that new address.

Circuit Court of Appeals subsequently denied leave to appeal *in forma pauperis* and directed Kelly to pay the entire \$505 appellate filing fee within 30 days. When Kelly failed to do so, the appeal was dismissed for failure to prosecute. *Kelly v. City of Trenton*, No. 16-5676 (6th Cir. Apr. 10, 2017) (order dismissing appeal).

This case is over; therefore, Kelly's motion to appoint counsel is DENIED. If he wishes to raise new claims, he must file a new complaint.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE